

PHILLIP A. TALBERT  
United States Attorney  
ALYSON A. BERG  
Assistant United States Attorney  
2500 Tulare Street, Suite 4401  
Fresno, CA 93721  
Telephone: (559) 497-4000  
Facsimile: (559) 497-4099  
[Alyson.Berg2@usdoj.gov](mailto:Alyson.Berg2@usdoj.gov)

Attorneys for United States of America

IN THE UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA

ERIC PHILLIPS, SURVIVING BIOLOGICAL  
SON OF DECEDENT, RICHARD PHILLIPS,

Plaintiff,

v.

THE UNITED STATES OF AMERICA,

Defendant.

CASE NO. 1:23-cv-01753-BAM

**STIPULATION AND ~~[PROPOSED]~~ ORDER TO  
CONTINUE SCHEDULING CONFERENCE**

Plaintiff Eric Phillips (“Plaintiff”), and Defendant United States (“Defendant”), stipulate, by and through the undersigned counsel, to continue the date of the scheduling conference currently set for March 21, 2024, at 8:30 a.m. before Magistrate Judge Barbara A. McAuliffe until on or about April 17, 2024, at 9:30 a.m.

Good cause exists for this stipulated continuance because the United States’ responsive pleading is due after the date currently set for the Scheduling Conference. The parties agree the United States should have an opportunity to timely appear in this action and then work with Plaintiff to submit a meaningful Joint Scheduling Report. The short continuance of the Scheduling Conference will not cause any prejudice to the parties as this action was recently commenced.

IT IS SO STIPULATED.

1 Dated: February 26, 2024

PHILLIP A. TALBERT  
United States Attorney

3 By: /s/ Alyson A. Berg  
4 ALYSON A. BERG  
Assistant United States Attorney

5 Attorneys for THE UNITED STATES OF  
6 AMERICA

7 Dated: February 26, 2024

8 /s/ Robert D. Bassett  
ROBERT D. BASSETT  
QUINLAN KERSHAW & FANUCCI LLP

9 Attorneys for Plaintiff, Eric Phillips

10  
11  
12  
13 ORDER

14 Having reviewed the stipulation submitted by the parties, and finding good cause, the Scheduling  
15 Conference currently set for March 21, 2024, is hereby continued to **April 23, 2024, at 10:00 a.m.** in  
16 Courtroom 8 (BAM) before Magistrate Judge Barbara A. McAuliffe. The parties shall appear at the  
17 conference remotely with each party connecting either via Zoom video conference or Zoom telephone  
18 number. The parties will be provided with the Zoom ID and password by the Courtroom Deputy prior to  
19 the conference. The Zoom ID number and password are confidential and are not to be shared.  
20 Appropriate court attire required.

21  
22 IT IS SO ORDERED.

23 Dated: **February 27, 2024**

/s/ *Barbara A. McAuliffe*  
24 UNITED STATES MAGISTRATE JUDGE